Court File No._____

ONTARIO
SUPERIOR COURT OF JUSTICE
(East Region)

IN THE MATTER OF an Application by the Attorney General for Ontario for an order restraining monetary donations made through the Freedom Convoy 2022 and Adopt-a-Trucker fundraising campaign pages hosted by GiveSendGo pursuant to section 490.8 of the *Criminal Code*.

BETWEEN:

HER MAJESTY THE QUEEN

Applicant

and

GIVESENDGO
FREEDOM 2022 HUMAN RIGHTS AND FREEDOMS
CHRIS GARRAH

Respondents
(*ex parte*)

AFFIDAVIT OF CHRISTOPHER RHONE

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I. **Notice of the Restraint Order** **25**

AFFIDAVIT

I, **CHRISTOPHER RHONE**, a peace officer and member of the Ottawa Police Service, **MAKE OATH AND SAY AS FOLLOWS:**

A. OVERVIEW

1. I make this affidavit in support of an *ex parte* Application by the Attorney General for Ontario pursuant to section 490.8 of the *Criminal Code* for an order prohibiting any person from disposing or, or otherwise dealing with, any interest in funds collected through the online fundraising platform GiveSendGo (www.givesendgo.com) for the benefit of the "Freedom Convoy 2022" and "Adopt a Trucker" fundraising campaigns.

2. This application relates to the ongoing protest in Ottawa, Ontario known by its organizers and supporters as "Freedom Convoy 2022." Freedom Convoy 2022 organizers set up a fundraising site on the online fundraising platform GoFundMe (www.gofundme.com) and raised over $10 million USD in support of the protesters. On February 4th, 2022 GoFundMe terminated the fundraiser upon receipt of evidence from law enforcement that the protest had become an occupation with reports of violence and other unlawful activity. GoFundMe is automatically refunding all donor contributions.

3. Following the termination of the GoFundMe fundraising campaign, Freedom Convoy 2022 launched a new fundraising campaign on the GiveSendGo site. To date, the GiveSendGo Freedom Convoy 2022 fundraising campaign has raised over $8.1 million USD in aid of assisting truckers with the cost of their journey and associated expenses including fuel, food, and shelter. The Freedom Convoy 2022 campaign page features a video message from Freedom Convoy 2022 organizer and fundraiser Tamara Lich in which she told supporters "… we plan to be here for the long haul, as long as it takes to ensure that your rights, and freedoms, are restored."

4. In addition to the Freedom Convoy 2022 fundraising campaign, GiveSendGo also hosts the "Adopt-a-Trucker" fundraising campaign on its platform. The Adopt-a-Trucker campaign operates in partnership with the Freedom Convoy 2022 campaign and to date has raised over $666 thousand USD in aid of providing housing, water, food, accommodations, and shuttle services for protesting truckers.

5. The protest has been occupying Ottawa roads in the downtown core and public spaces since January 28th, 2022. On February 6th, 2022 the City of Ottawa declared a state of emergency. Ottawa residents and business owners are being negatively impacted by the sustained occupancy of protesters in the city.

6. I believe that the funds raised by the Freedom Convoy 2022 organizers through the Freedom Convoy 2022 and Adopt-a-Trucker campaigns hosted by the online GiveSendGo fundraising platform are facilitating the indictable offence of mischief which has been committed, is being committed, and is intended to be committed for so long as there are funds available to keep protesters and their trucks in Ottawa. As such, I believe the funds raised are offence-related property and the Attorney General for Ontario therefore seeks an order prohibiting any person from disposing of, or otherwise dealing with any interest in the funds.

B. MY QUALIFICATIONS

7. I am a peace officer with the Ottawa Police Service (OPS) currently assigned as a Detective in the Provincial Asset Forfeiture Unit. I have knowledge of the matters set out herein and believe the contents of this affidavit to be true.

8. I have been a member of the OPS since August 1997. Since then, I have been assigned to General Patrol, the Central Neighbourhood Office, the Youth Section, and the Organized Fraud Section. Throughout my years of service, I have been the lead investigator on many criminal investigations. I have also been the affiant of many different affidavits in support of seeking judicial authorizations.

9. In September 2014, I was assigned to the Provincial Asset Forfeiture Unit (PAFU). The description of the PAFU is as follows: "The Ontario Provincial Police (OPP) is responsible for the coordination of the Provincial Asset Forfeiture Strategy in Ontario and leads the Provincial Asset Forfeiture Unit (PAFU). PAFU involves officers from the OPP and 20 municipal police services across Ontario. The role of PAFU is to assist with the identification, seizure, restraint and forfeiture of offence-related property and proceeds of crime. The *Criminal Code* of Canada authorizes these actions for "any property, benefit or advantage derived from the commission of designated

offences". Since 2005, the OPP has been instrumental in increasing awareness within the law enforcement community regarding asset forfeiture and its effectiveness as a crime deterrent.[1]

10. I have successfully completed various levels of general and specialized police training, including but not exclusive to: General Investigative Techniques, Major Case Management, Financial Investigations, Fraud Investigations, Asset Forfeiture (Basic and Advanced), Drafting Information to Obtain (Search Warrants), and the Expert Witness Course.

11. I have created and subsequently presented numerous presentations relating to asset forfeiture for various police services, the Criminal Intelligence Service Ontario, the Canadian Police College, the Osgoode Hall Law School, and the Financial Crime Coordination Centre.

C. STATUTORY REQUIREMENTS: RESTRAINT OF OFFENCE-RELATED PROPERTY

12. "Offence-related property" is defined in section 2 of the *Criminal Code* as any property, within or outside Canada,

a. by means or in respect of which an indictable offence under the *Criminal Code* of the *Corruption of Foreign Public Officials Act* is committed,
b. that it is used in any manner in connection with the commission of such an offence, or
c. that is intended to be used for committing such an offence.

13. Subsections 490.8(1) and (2) of the *Criminal Code* state that an application for an order restraining offence-related property may be made *ex parte* and shall be made in writing to a judge, accompanied by an affidavit sworn on information and belief, deposing to the following matters:

a. The indictable offence to which the offence-related property relates;
b. The person who is believed to be in possession of the offence-related property; and
c. A description of the offence-related property.

14. Subsection 490.8(3) of the *Criminal Code* states that a judge may make an order prohibiting any person from disposing of, or otherwise dealing with any interest in, the property specified in the order if the judge is satisfied that there are reasonable grounds to believe that property is offence-related property.

[1] https://www.publicsafety.gc.ca/cnt/cntrng-crm/plcng/cnmcs-plcng/ndx/snpss-en.aspx?n=74

15. Subsection 490.8(3.1) provides that a restraint order may be issued in respect of property situated outside Canada, with any modifications that the circumstances require.

D. THE INDICTABLE OFFENCE TO WHICH THE PROPERTY RELATES

16. The indictable offence to which the property relates is mischief contrary to section 430 of the *Criminal Code*:

> **430(1)** Every one commits mischief who wilfully
>
> a) destroys or damages property;
>
> b) renders property dangerous, useless, inoperative or ineffective;
>
> c) obstructs, interrupts or interferes with the lawful use, enjoyment or operation of property; or
>
> d) obstructs, interrupts or interferes with any person in the lawful use, enjoyment or operation of property.
>
> **430(4)** Every one who commits mischief in relation to property…
>
> a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or
>
> b) is guilty of an offence punishable on summary conviction.

17. My grounds to believe that the offence of mischief has been committed and continues to be committed are set out below under the heading The Property is Offence-Related Property — The Protest.

E. DESCRIPTION OF THE PROPERTY AND PERSONS BELIEVED TO BE IN POSSESSION

18. I make my affidavit in support of an application by the Attorney General for Ontario for an order prohibiting persons from disposing of, or otherwise dealing with, any interest in the property described below, except as provided for in the terms set out in the proposed restraint order:

> Any and all monetary donations made through the Freedom Convoy 2022 and Adopt-a-Trucker fundraising campaign pages hosted by GiveSendGo (www.givesendgo.FreedomConvoy2022, www.givesendgo.com/Warroomcanadanet, respectively), including monetary donations which have been transferred by GiveSendGo or its third-party payment processors to the benefit of the campaign recipients as named on the said campaign pages, being "Chris Garrah" and "Incorporated Freedom 2022 Human Rights and Freedom Association", or to the company "Freedom 2022 Human Rights and Freedoms" (Canadian corporation number 1372685-1).
>
> ("the property")

19. I believe that GiveSendGo, the corporate entity Freedom 2022 Human Rights and Freedoms, and Chris Garrah are in possession of the property. My grounds for believing these persons/entities are in possession of the property are set out below under the heading The GiveSendGo Fundraisers.

F. THE PROPERTY IS OFFENCE-RELATED PROPERTY

20. The grounds for my belief that the property is offence-related property are set out in the paragraphs below.

SOURCES OF INFORMATION

21. In order to provide an objective summary of the nature and scope of the Freedom Convoy 2022 protest, the impact upon the City of Ottawa and its residents and businesses, and the mischief that has been committed and will reasonably continue to be committed, I have relied largely on information sourced from Internet sites and social media applications available to the general public, such as online news articles, Facebook[2], Twitter[3], and other websites, as specifically referenced throughout my affidavit.

THE PROTEST

THE FREEDOM CONVOY 2022 PROTEST MOVEMENT

22. In order to provide background relating to the Freedom Convoy 2022 protest movement, I have chosen to provide a summary of various Freedom Convoy 2022 Facebook page posts. I believe this will provide insight as to how the movement was communicated and described by its organizers leading up to the convoy's arrival to Ottawa on January 28th, 2022:

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[2] "Facebook is defined as an online social networking website where people can create profiles, share information such as photos and quotes about themselves, and respond or link to the information posted by others." (Source: https://www.yourdictionary.com/facebook)

[3] "Twitter is known as a micro-blogging site. Blogging has been around for some time. Usually blogging consists of people setting up basic websites where they write about whatever they want, whether it be politics, sport, cooking, fashion etc. Posting a message is known as a tweet. People make connections by following other people's twitter feeds. Once you click follow, anything that person or organisation says will appear on your timeline." (Source: https://www.webwise.ie/parents/explained-what-is-twitter-2/)

a. **Facebook post[4] – January 22, 2022 – 11:00 a.m.**: This post provided supporters with details of how the funds raised through GoFundMe would support the cost to get trucks to Ottawa for the protest.

b. **Facebook post – January 22, 2022 – 11:33 a.m.**: This post gave thanks to those offering donations of food, showers, beds and support. "Chris" and "Janet" were identified as coordinators in the War Room for Ottawa and associated with "Adopt A Trucker."

c. **Facebook post – January 24, 2022 – 8:38 p.m.**: This post communicated the following "[f]acts that the media is not sharing":

   - That the convoy is not anti-vaccination (adding that many truckers are vaccinated), but rather, it is anti-government mandates, anti-lockdowns, and anti-forced vaccinations;
   - That a Canadian should be free to choose and not face restrictions based on their choice;
   - That truckers will NOT [sic] block emergency vehicles, that they will assist any person in need in the convoy or protest, and that safety plans were in place; and
   - That funds raised (at the time over $4,000,000) would be distributed via a strict procedure involving registration, receipts, oversight (from a lawyer and an accountant), and that residual funds would be donated to a Canadian veteran's association.
   - *This could be the single largest protest in Canadian history. People who oppose government mandates are not the tiny group that the media has tried to make us believe. We are significant in numbers, growing by the day and we will not back down.*

d. **Facebook post – January 27, 2002 – 3:42 p.m.**: This post declared, "*Our voices will finally be heard…… not through Politicians, or Political Parties, or Mainstream Media …… for the two long years of, "we are all in this together" we have been ignored and silenced.*" This post encouraged a peaceful protest.

e. **Facebook post – January 28, 2022 – 7:30 a.m.**: This post communicated that the Ottawa team was working hard at accommodating the "*record setting number of visitors to our nation's capital*" and pleaded for donations to the GiveSendGo site https://givesendgo.com/Warroomcanada.net.

f. **Facebook post – January 29, 2022 – 8:19 a.m.**: This post reminded protesters of the purpose of the protest and to abide by directives focused on a peaceful protest.

   - DO NOT [sic] enter any government building or government property under any circumstances;
   - Treat all police officers with respect;
   - Keep calm;
   - Do not make any type of threat; and
   - *If we keep calm and show love and support for one another, many things will happen. We will eventually cause the government to reverse its policy on Covid passports and vaccine mandates as the UK has recently done. We will meet new friends, develop relationships, and there will likely be people who meet during this peaceful protest and fall in love and*

[4] https://www.facebook.com/pages/category/Nonprofit-organization/Freedom-Convoy-2022-100286905896085/ All references to Facebook posts can be sourced to this hyperlink.

build a life together. Let's not sacrifice such a bright future for all of us by loosing [sic] our temper.

23. On January 30, 2022 Freedom Convoy 2022 organizers held a press conference. I have reviewed the associated video which involved organizers Tamara Lich, Chris Barber, and B.J. Dichter (there may have been more organizers but these three were visible on camera). During the press conference, the organizers advised the following:[5]

a. What they want is a logistics nightmare for the government;
b. They are in this for the long haul, and they don't have a time limit;
c. Long-haul trucks are designed to be on the road indefinitely as long as you keep fueling them, they can sit there for weeks and months;
d. They have raised over $8 million dollars;
e. The GoFundMe donations were primarily intended to reimburse truckers for the costs of their journey to Ottawa, including fuel, food, lodging, incidental costs, and that the money is not for them (i.e. it is for the truckers);
f. They never anticipated they would have this amount of engagement and support which gives them flexibility to take this movement and extend it. B.J. Dichter referred to the funds raised as 'endless resources';
g. The purpose of the protest is related to Covid mandates, and they are not anti-vaccine;
h. The Adopt-a-Trucker campaign is working in partnership with Freedom Convoy 2022; and
i. General conversations took place regarding the diversity of supporters, the failure of governance, the frustration of citizens, the unreliability of legacy media, and their wish for people to engage in affecting change.

24. On February 9th, 2022 Freedom Convoy 2022 organizers Tamara Lich, B.J. Dichter, Kevin Wilson (lawyer for the Freedom Convoy 2022 organization), and "Nick" (who spoke in relation to Bitcoin) gave an interview to select media outlets and the video was posted to Facebook.[6] I have watched the video which was one hour and fourteen minutes long. I have not summarized the entire interview but have provided a brief summary below of statements made relevant to the nature of this application:

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5 https://twitter.com/i/broadcasts/1vAxRkzoeAXKl?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1487857084578287621%7Ctwgr%5E%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.dailywire.com%2Fnews%2Flittle-snowflake-freedom-convoy-organizer-bashes-trudeau-for-disappearing-during-protest

6 https://m.facebook.com/salman.sima/videos/1045886172632011/ [m.facebook.com]

a. GiveSendGo reached out to them. They spoke directly with GiveSendGo's CEO "Jacob" who said he would not back down and that he would support them. On the first day on the GiveSendGo site, even though the site was inundated with denial of service attacks, they raised $1.5 million.

b. This morning (February 9th, 2022), they had raised $7.5 million.

c. Following GoFundMe's freezing of donations, some donors expressed that they would double their donations.

d. B.J. Dichter put a tweet out to the Bitcoin community as an alternative, and was shocked how quickly prominent people in the Bitcoin community reached out to him.

e. A Tallycoin site was set up (I understand this to be an online crowdsourcing fundraising site transacting in Bitcoin).[7]

f. As of this morning (February 9th, 2022), Tallycoin had raised $812 thousand.

g. Donations are intended, in part, to provide a legal war chest (defensive and offensive).

h. Kevin Wilson referenced police efforts to stop the GoFundMe fund, as well as the ongoing steps they (the police) are taking to freeze accounts which he anticipated would drive more and more people to Bitcoin.

i. Nick stated the goal of fundraising with Bitcoin is to provide a platform to receive donations without obstruction, citing the decentralization and benefits of Bitcoin, and noted, that if done properly, Bitcoin is unconfiscatable. Furthermore, that Bitcoin could be used for food, water, diesel and sanitation services.

j. The ground team is helping truckers set up Bitcoin wallets so that they can get started.

k. The police cannot stop the funding and Bitcoin can be a failsafe if there is a problem with GiveSendGo fund.

THE MISCHIEF COMMITTED AND MY REASONABLE BELIEF THAT THE MISCHIEF WILL CONTINUE

25. The Freedom Convoy 2022 arrived in Ottawa on January 28th, 2022. The ongoing protest has impacted the City of Ottawa in many ways. In the paragraphs below, I describe how the ongoing protest has obstructed, interrupted, and interfered with the public's lawful use, enjoyment or operation of property.

26. On February 6th, 2022, the City of Ottawa responded to the ongoing impact of the protest by declaring a state of emergency. According to an article by Globalnews.ca,[8] Mayor Jim Watson's statement read, in part: "Declaring a state of emergency reflects the serious danger and threat to

[7] https://twitter.com/HonkHonkHodl https://tallyco.in/s/lzxccm/
[8] https://globalnews.ca/news/8599205/ottawa-state-of-emergency-trucker-convoy/

the safety and security of residents posed by the ongoing demonstrations," and "It highlights the need for support from other jurisdictions and levels of government."

27. This same article also reported that Marco Mendicino (Canada's Public Safety Minister): "Where you see people who are bringing in propane jerry cans, when you hear about people who have been threatened, harassed and assaulted, and where there isn't law enforcement, then they don't feel safe."

28. The impact on road access in the downtown core of Ottawa has been significant as evidenced in a February 6th, 2022 Ottawa Sun article titled TRUCKER PROTEST: Mayor Watson declares state of emergency; police make arrests, seize vehicles and fuel; Confederation park cleared:[9]

> ***7:22 p.m.***
>
> *The city issued a news release to inform residents that traffic and service impacts related to the demonstrations would continue Monday, saying all non-essential travel, especially in the downtown core, should be avoided.*
>
> *The list of services impacted included:*
>
> - *St. Luke's Child Care Centre and Centre éducatif Pinocchio will be closed.*
> - *The Ottawa Public Library's Main and Rideau branches will remain closed.*
> - *Ottawa City Hall and its amenities will remain closed.*
> - *Ottawa Public Health's (OPH) Lowertown Vaccine Hub, located at the Jules Morin Fieldhouse on 400 Clarence Street East, will remain closed.*
> - *The vaccination clinic at the University of Ottawa Minto Sports Complex will remain closed until Wednesday.*
> - *All bus routes with service downtown are expected to remain on detour. Residents who need to travel in and out of the downtown core should use O-Train Line 1.*
>
> ***5:14 p.m.***
>
> *Since Jan. 28, By-law and Regulatory Services had issued 787 parking tickets for various violations in and around the demonstration area, including 568 over the weekend, director Roger Chapman said in an emailed reply to this newspaper Sunday.*
>
> *"The goal of parking enforcement within the perimeter of the demonstration is to ensure that emergency lanes are clear, and the flow of traffic is maintained. All service requests directly related to the demonstration are being redirected to OPS," the email read. "We understand that this is a frustrating and difficult time for residents who live and work in the downtown core.*

[9] https://ottawasun.com/news/local-news/truck-convoy-protesters-given-monday-deadline-to-leave-or-risk-inclusion-in-9-8-million-class-action-lawsuit/wcm/75110e30-89f9-4557-a9f1-9400f75a92e4#Echobox=1644176869

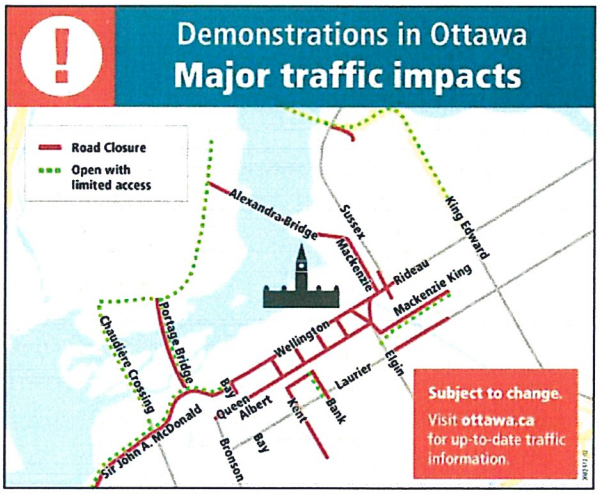
5 p.m.

At the heart of the protest, on Wellington Street, a kilometre long line of trucks, RVs and pickups continued to stretch from Elgin Street to Bay Street Sunday with no indication that the protesters intended to leave.

29. The traffic impact in Ottawa is further evidenced on the City of Ottawa Demonstration in Ottawa website page.[10] This website references Mayor Jim Watson declaring a state of emergency on February 6th, 2022 due to the ongoing demonstration; that the City advises residents that traffic and service impacts will continue on Wednesday, February 9, 2022; and that residents are to avoid non-essential travel in or around the downtown core.

30. In terms of traffic impacts, this website has published the map below showing road closures and interruptions, it conveys that the demonstration is occupying several streets in the downtown area around Parliament Hill, and that major impacts include but are not limited to the following roadways:

- Wellington Street;
- Queen Street;
- Metcalfe Street;
- O'Connor Street;
- Lyon Street;
- Kent Street;
- Sir John A Macdonald Parkway;
- Queen Elizabeth Driveway; and
- Laurier Avenue and Elgin Street around Confederation Park.



[10] https://ottawa.ca/en/health-and-public-safety/emergency-preparedness/demonstration-ottawa

31. The personal impact on the citizens of Ottawa has been significant, especially on those living, working, and operating businesses in the vicinity of the Freedom Convoy 2022 protest. Examples of resident impact were reported in a February 6th, 2022 Ottawa Sun article titled Second weekend of truck convoy protests sorely tests Centretown residents, businesses:[11]

> *"Overbrook resident Jill Piebiak says she has become increasingly alarmed by what now looks like a permanent truck convoy encampment there. She is worried about safety, especially with numerous containers of fuel. "You can just tell they aren't leaving," she said. "They have no intention of leaving." Nearby retail parking lots, she added, were filled with vehicles of protesters over the weekend, and people without masks were in area stores. "Overbrook is a community that is mostly low-cost housing ... With all of the volatile action downtown, I am worried about that spilling into our neighbourhood."*
>
> —
>
> *"And amidst all the noise and flag-waving, one Centretown resident, 21-year-old Zexi Li, threw down a gauntlet as she launched a $9.8-million class-action lawsuit against the protest's organizers and other, yet-to-be-named participants, for the pain and suffering caused by the almost incessant noise."*
>
> —
>
> The article also highlighted four residents working on behalf of the class action suit who delivered leaflets to the truckers in the red zone on February 6, 2022 urging them to leave by Monday at 10:00 a.m. and not return.

32. The personal impact on Ottawa residents was spoken about by Ottawa Mayor Jim Watson on February 6th, 2022, according to the Ottawa Citizen article titled Province says Ottawa has tools needed to end convoy protest; Watson warns city authorities 'outnumbered' by protester:[12] "*[i]t should have ended days ago, there's no question about that. The nerves of the residents, particularly in the downtown core, are frayed beyond belief. They are suffering, and the protesters do not seem to have any understanding of how insensitive they are, blaring horns and sirens and fireworks, and turning it into a party. ... Bringing in bouncy castles and saunas and hot tubs is the height of irresponsibility.*"

33. As referenced above, the effects of the ongoing protest on some citizens of Ottawa has manifested itself in a $9.8 million class-action lawsuit launched on February 4th, 2022 by Ottawa lawyer Paul Champ. According to a February 5th, 2022 Ottawa Citizen article titled Truck convoy:

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[11] https://ottawasun.com/news/local-news/centretown-residents-businesses-bristle-at-second-weekend-of-truck-convoy-protests/wcm/17a38485-6e46-4836-b7de-dd2cb58d9645#Echobox=1644190928

[12] https://ottawacitizen.com/news/local-news/province-says-ottawa-has-tools-needed-to-end-convoy-protest-watson-warns-city-authorities-outnumbered-by-protesters

$9.8M class-action lawsuit filed against "Freedom Convoy"; GoFundMe ends fundraising campaign; Protesters spotted in the suburbs; Kitchen erected in Confederation Park:[13]

> *"A $9.8 million class-action lawsuit was launched Friday against organizers of the truckers' protest, claiming $4.8 million in damages for emotional, mental and other distress, and $5 million in punitive damages, largely due to the protestors' tactic of continually blaring their truck horns. Ottawa lawyer Paul Champ filed the claim on behalf of plaintiff Zexi Li, a 21-year-old public servant and uOttawa graduate who lives within five blocks of Parliament Hill. The claim lists convoy organizers Chris Barber, Benjamin Dichter, Tamara Lich and Patrick King as defendants, and leaves room for as many as 60 others who may be identified later. The claim is seeking class certification, with residents from Bay Street to Elgin Street and Lisgar Street to Wellington Street considered potential members. Documents filed by Champ contend that the defendants "deliberately planned the horn tactic to cause distress and discomfort" and "are aware or ought to be aware that the prolonged use of the extremely loud air horns and train horns can cause permanent hearing damage and psychological harm."*

34. On February 7th, 2022 the judge hearing the class action lawsuit argument for an injunction to prevent the honking of truck horns throughout the protest ordered a temporary injunction, finding that the continual blaring of horns was having an effect on residents such that their right for "quiet, if we can use that term," trumped the honking truckers' right to protest.[14]

35. On February 7th, 2022 Ottawa Police Chief Peter Sloly addressed the media and he highlighted a number of issues in relation to the Freedom Convoy 2022 demonstration, namely:[15]

a. Since February 4th, 2022 there have been twenty arrests and criminal charges;
b. Over 500 tickets were issued in relation to: unlawful conduct, By-laws, and Provincial Offences;
c. Vehicles and trucks have been towed;
d. There has been a significant reduction in the amount of protesters (and associated vehicles), and the large protest that was planned for the previous weekend was significantly smaller than the weekend before it;
e. The previous weekend had over 3000 trucks (not counting all of the other vehicles), and approximately 10,000 to 15,000 protesters that operated over a twenty-four-hour cycle over Friday to Sunday;
f. This past weekend there were approximately 1000 trucks, approximately 5000 protesters, and while there was some activity on Saturday, there was no activity on Friday or Sunday;

[13] https://ottawacitizen.com/news/local-news/truck-convoy-police-to-launch-surge-and-contain-strategy-this-weekend-city-councillors-plan-centretown-patrol
[14] https://nationapost /news/canada/Judge has 'heard enough,' grants interim injunction against truckers honking in Ottawa | National Post
[15] https://ottawa.ctvnews.ca/ottawa-police-chief-says-he-won-t-resign-as-trucker-protest-drags-on-1.5770960

g. Funding was targeted, resulting in the $10 million GoFundMe campaign being unavailable to the demonstrators, there are other funding avenues that the OPS is going after via various agencies and all level of governments;

h. The OPS is going after the fuel via arrest, seizure, and interdictions;

i. A Public Order operation was instituted after negotiations failed resulting in seven people being arrested and criminally charged, thousands of litres of propane and a fuel tanker were seized, and a staging area was dismantled;

j. Through negotiations, an encampment was disassembled in Confederation Park, with no arrests, no use of force, no injuries, no deaths, and no riots;

k. Every time an area is disassembled, there are attempts to establish a new area in four or five other locations with the intention of sustaining the demonstration, thereby requiring a police response;

l. Every available OPS officer has been working for the last four days, all days off have been cancelled, some OPS members have been working for fourteen days straight in the outdoors, and the OPS is stretched to the limit;

m. The OPP, the RCMP, and seven different municipal police services have provided officers, but more are needed; and

n. OPS and community members are at the breaking point, it is crushing for residents and businesses, and it has to stop.

36. On February 9th, 2022 the Ottawa Police Service released a press release[16] titled Message to Demonstrators from the Ottawa Police Service. The press release reads as follows:

> *Posted On Wednesday February 09, 2022*
>
> ***FOR IMMEDIATE RELEASE: Wednesday, February 9, 2022 2:57pm***
>
> *(Ottawa)—It is a criminal offence to obstruct, interrupt or interfere with the lawful use, enjoyment, or operation of property.*
>
> ***The offence is known as mischief to property.***
>
> *The unlawful act of blocking streets in the downtown core is resulting in people being denied the lawful use, enjoyment and operation of their property.*
>
> *We are providing you notice that anyone blocking streets or assisting others in the blocking of streets may be committing a criminal offence.*
>
> *You must immediately cease further unlawful activity or you may face charges.*

[16] https://www.ottawapolice.ca/Modules/News/index.aspx?lang=en=1bc1b5ab-51e3-4860-8937-b181d4475989

You could be arrested without a warrant for this offence if you are a party to the offence or assisting others in the direct or indirect commission in this offence.

Whether you are released on bail depends on factors contained in Part XVI of the ***Criminal Code****.*

Offence-related property, including vehicles, may be seized as part of the offence. The vehicles may be detained and, following a conviction, possibly forfeited.

Charges or convictions related to the unlawful activity associated with the demonstration may lead to denial in crossing the USA border.

37. The Freedom Convoy 2022 organizers have been steadfast in their position that they intend for protesting truckers to remain in Ottawa until their demand for all Covid restrictions to be lifted has been met. For example, according to a CBC news article dated February 4th, 2022, "Lich spoke to the media on Thursday and said the convoy will not leave Ottawa until its demand for an end to all pandemic restrictions is met."[17] At the organizers' press conference on January 30th, 2022, referenced above, they confirmed that the millions of dollars in donations raised gave them 'endless resources' to continue the protest for months, or longer.

38. Given the descriptions provided above in relation to the disruptions and obstructions caused by the protesters to public roadways and to the lawful use, enjoyment or operation of property, I believe that protesters have committed the offence of mischief, continue to commit the offence of mischief and, because they have vowed to remain in Ottawa until their demands are met, I further believe that they intend to continue to commit the offence of mischief.

THE GOFUNDME FUNDRAISER

39. In support of the Freedom Convoy 2022, organizers set up a GoFundMe fundraiser on www.gofundme.com. According to the GoFundMe Terms of Service, the GoFundMe website service is a platform allowing individuals and entities to post a fundraiser to the site to accept monetary donations from donors on behalf of the beneficiary of the fundraiser.[18]

[17] https://www.cbc.ca/news/politics/questions-answers-gofundme-convoy-1.6338932
[18] https://www.gofundme.com/c/terms

40. By February 4th, 2022 over $10 million[19] had been raised through the GoFundMe platform.[20] GoFundMe had concerns about the Freedom Convoy 2022 fundraiser and on February 4th, 2022, GoFundMe released a statement advising that it would automatically refund all donors:[21]

> *We will automatically refund all contributions directly.*
>
> *GoFundMe supports peaceful protests and we believe that was the intention of theFreedom Convoy 2022 fundraiser when it was first created.*
>
> *We now have evidence from law enforcement that the previously peaceful demonstration has become an occupation, with police reports of violence and other unlawful activity.*

THE GIVESENDGO FUNDRAISERS

41. GiveSendGo, like GoFundMe is an online fundraising platform where fundraisers set up a campaign page describing their fundraising initiative and donors can access that page and donate funds using the payment processing services offered by GiveSendGo (for the donor this happens by simply clicking on the "Give Now" icon). The GiveSendGo Terms and Conditions published on its website describe its service as a *funding platform for Givers (an individual or entity that contributes to a fund or posts a comment to a fund) and Campaign Owners (those using the service to raise funds)*.[22]

42. The Terms and Conditions on the GiveSendGo site sets out that GiveSendGo LLC is the registered agent for the GiveSendGo website and services.[23] GiveSendGo LLC is a private company incorporated in Delaware in the United States. Its corporate address is 8 The Grn Ste 8, Dover, Delaware 19901-361 (the same address published in the Terms and Conditions on the GiveSendGo site). The corporate profile lists GiveSendGo LLC's business as "Business Services" and "Fund raising organizations".[24]

43. There are two GiveSendGo fundraising campaigns that are the subject of this application: Freedom Convoy 2022 and Adopt-a-Trucker. They are described below.

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[19] As the gofundme.com fundraising page has been removed, I cannot confirm whether this amount is USD or CDN.
[20] https://www.cbc.ca/news/politics/questions-answers-gofundme-convoy-1.6338932
[21] https://medium.com/gofundme-stories/update-gofundme-statement-on-the-freedom-convoy-2022-fundraiser-4ca7e9714e82
[22] https://www.givesendgo.com/terms-of-use
[23] https://www.givesendgo.com/terms-of-use
[24] Business Report provided to me by Special Agent Brendan Cullen (Homeland Security Investigations) on February 7, 2022.

FREEDOM CONVOY 2022

44. On February 4th, 2022, following GoFundMe's removal of the campaign from its site, Tamara Lich released a video statement on Facebook announcing that donations in support of Freedom Convoy 2022 could be made on the online fundraising platform GiveSendGo.[25] Her video statement is transcribed[26] below:

> *It's Tamara Lich here from beautiful downtown Ottawa on this lovely Friday afternoon.*
>
> *We are here today to give you and update on the situation here with GoFundMe as well as how you can continue to help the truckers that we have on the ground here. So, as you know, GoFundMe has only released a million of the over ten million dollars that you have donated thus far and they've frozen the rest of it for now.*
>
> *I wanted to get you some accurate information on how you can support the truckers that are on the ground here at the moment. Ah, we've decided to team up with an organization called GiveSendGo and which is going to enable us to get donations into the hands of the truckers much much quicker while everybody gets the rest of the stuff sorted out.*
>
> *So it's gonna be GiveSendGo it is Freedom Convoy 2022, that you can check out their site they'll be links posted here shortly once we have all this information up. And yeah, so please if you can donate and help us keep these truckers going.* ***You know we plan to be here for the long-haul as long as it takes to ensure that your rights, and freedoms, are restored****. And obviously, from the bottom of our hearts we thank-you very much and we will continue to bring you updates as we have all of that information. So, thank-you very much.*

45. This video statement is also found on the GiveSendGo Freedom Convoy 2022 fundraising campaign page at www.givesendgo.FreedomConvoy2022.[27]

46. The Freedom Convoy 2022 campaign page states the following:

> *Campaign Created by: Freedom 2022 Human Rights*
>
> *The funds from this campaign will be received by Incorporated Freedom 2022 Human Rights and Freedom Association.*
>
> —
>
> *To our Fellow Canadians, the time for political over reach is over. Our current government is implementing rules and mandates that are destroying the foundation of our businesses, industries and livelihoods. Canadians have been integral to the fabric of humanity in many ways that have shaped the planet.*

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[25] https://www.facebook.com/pages/category/Nonprofit-organization/Freedom-Convoy-2022-100286905896085/. When the Facebook video is clicked, a Rumble.com video titled "Freedom Convoy 2022 - Tamara Lich GiveSendGo" appears (the hyperlink is https://rumble.com/vu2xcl-freedom-convoy-2022-tamara-lich-givesendgo.html

[26] On February 6, 2022, I transcribed this video while personally watching it.

[27] https://www.givesendgo.com/FreedomConvoy2022

We are a peaceful country that has helped protect nations across the globe from tyrannical governments who oppressed their people, and now it seems it is happening here. We are taking our fight to the doorsteps of our Federal Government and demanding that they cease all mandates against its people. Small businesses are being destroyed, homes are being destroyed, and people are being mistreated and denied fundamental necessities to survive. It's our duty as Canadians to put an end to this mandates. It is imperative that this happens because if we don't our country will no longer be the country we have come to love. We are doing this for our future Generations and to regain our lives back.

We are asking for Donations to help with the costs of fuel first, and hopefully food and lodgings to help ease the pressures of this arduous task.

It's a small price to pay for our freedoms. We thank you all for your Donations and know that you are helping reshape this once beautiful country back to the way it was.

In order for your generous donations to flow smoothly, the good people at Give Send Go will be sending donations directly to our bulk fuel supplier and are working out the details now which means your hard earned money is going to straight to who it was meant for and need not flow through anyone else. Any left over donations will be donated to a credible Veterans organization which will be chosen by the donors.

—

Money raised will be dispersed to our Truckers to aid them with the cost of the journey

Funds will be spent to help cover the cost of fuel for our Truckers first and foremost, will be used to assist with food if needed and contribute to shelter if needed

47. I believe that the campaign creator and recipient of the funds named on the campaign page as "Freedom 2022 Human Rights" and "Incorporated Freedom 2022 Human Rights and Freedom Association" respectively are in fact one and the same entity which is properly named "Freedom 2022 Human Rights and Freedoms." Freedom 2022 Human Rights and Freedoms is a Canadian company incorporated under the *Canada Not-for-profit Corporations Act*. The incorporation documents reveal the following:[28]

a. Freedom 2022 Human Rights and Freedoms was incorporated on January 30, 2022;

b. The corporation number is 1372685-1;

c. The purpose of the corporation is:

> *Advocacy against government, agents of government and any other organization person or individuals' actions, laws, policies and practices that violate human rights and freedoms paying special attention to creation of class systems through mandates, social credit systems (rewards and punishments for government compliance), passport systems and more.*

d. The Directors of the corporation are Chad Eros and Chris Garrah;

[28] Freedom 2022 Human Rights and Freedoms - Certificate of Incorporation

e. The registered corporate office address is 1493 Leeds and Grenville 2, Mallorytown ON KOE 1R0; and

f. Chris Garrah's address is 1493 County Road 2, Mallorytown ON KOE 1R0.[29]

48. The fundraising goal published on the campaign page is $16 million USD. At the time of writing this affidavit, over $8.1 million USD has been raised.

ADOPT-A-TRUCKER

49. A second campaign on GiveSendGo is fundraising in partnership with Freedom Convoy 2022. This campaign is called "Adopt-a-Trucker" and its fundraising page is found at https://givesendgo.com/Warroomcanadanet. The campaign page states the following:

> *Campaign created by: Chris Garrah*
>
> *The funds from this campaign will be received by Chris Garrah.*
>
> —
>
> *We at Warroom Canada have started up the Adopt-a-Trucker.ca campaign in partnership with 2022 Freedom Convoy that arrived in Ottawa, the weekend of January 28th.*
>
> —
>
> *Our heroic arrivals will need; housing, water, food, accommodations and shuttle services. Your donations are greatly appreciated and will be put to good use. This is a Canada wide rally determined to stop all mandates and return CANADIANS their rights and freedoms again.*

50. The Campaign creator and recipient as noted on the Adopt-a-Trucker campaign page is Chris Garrah. Chris Garrah is also, as noted in the previous section of my affidavit, one of the Directors of the federally incorporated company Freedom 2022 Human Rights and Freedom.

51. I believe that the Chris Garrah related to the Adopt-a-Trucker campaign is the same Chris Garrah who is named as a Director of the Freedom 2022 Human Rights and Freedoms corporation. I believe this because Chris Garrah's address as reflected on the Ministry of Transportation Ontario's records is 1493 County Road 2, Mallorytown ON KOE 1R0 which is the same address provided for him on the corporate documents for Freedom 2022 Human Rights and Freedoms.[30]

52. At the time of writing this affidavit, over $666 thousand USD has been raised.

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[29] I believe that this address and the registered corporate office address are one and the same. While they are described differently, a query on Google.ca demonstrate that Leeds and Grenville 2 and County Road 2 are the same location.

[30] Ministry of Transportation query dated February 2nd, 2022.

***GIVESENDGO* PAYMENT PROCESSING**

53. It is unclear exactly how the funds donated through GiveSendGo are processed and where they are held pending distribution. A review of GiveSendGo's Terms and Conditions, as published on its site, states the following regarding payment processing but does not reveal which payment processing entities it uses:[31]

> *GiveSendGo.com processes payment transactions through 3rd-party payment solutions. GiveSendGo is not a chartered banking entity. All funds that are not part of a fee paid to GiveSendGo.com are paid directly to 3rd-party payment solutions.*
>
> —
>
> *Payment processing services for Campaign Owners on GiveSendGo.com are provided by a variety of payment processing companies and are subject to their own Connected Account Agreement, which includes their Terms of Service). By agreeing to this agreement / these terms or continuing to operate as a Campaign Owner on GiveSendGo, you agree to be bound by their terms of service, as the same may be modified by them from time to time. As a condition of GiveSendGo enabling payment processing services through our third party payment processors, you agree to provide GiveSendGo accurate and complete information about you and your business, and you authorize GiveSendGo to share it and transaction information related to your use of the payment processing services.*

54. The following questions and answers are found on the GiveSendGo's FAQ pages and communicate that givers donate using credit cards and that donated funds may move almost immediately to bank accounts controlled by Campaign Owners:[32]

> ***Do I need to sign up for anything to make a donation****? No, just click donate now. Fill out your credit card information and hit submit and the money is on your way to the campaign owner.*
>
> ***When will I get the money I've raised****? You have complete control over your funds. Simply login and set up your transfers and bank accounts.*
>
> ***How and when do I receive my funds****? All funds being processed by our processor can be accessed by logging into your account and setting up transfers.*
>
> ***Are donations refundable****? Due to the fact that all contributions are immediately disbursed to Campaign owner's bank accounts refunds are not possible.*

55. Given the above information, I believe that while donated funds may move quickly from the GiveSendGo third party payment processor to the Campaign Owner or beneficiary, it is not certain that in all cases those funds move immediately. It appears that it is up to the Campaign Owner to set up transfers to its bank account(s) and control the timing of the distribution of donated

[31] https://www.givesendgo.com/terms-of-use
[32] https://givesendgo.com/site-faq#payment_details

funds. In addition, the following statement on the Freedom Convoy 2022 site suggests that there may be shared control of the donated funds between the Campaign Owner and GiveSendGo:

> *In order for your generous donations to flow smoothly, the good people at Give Send Go will be sending donations directly to our bulk fuel supplier and are working out the details now which means your hard earned money is going to straight to who it was meant for and need not flow through anyone else.*

56. Identification of the Campaign Owners' receiving financial accounts is the subject of ongoing investigation. What is known at this time is that the recipient of funds raised through GiveSendGo for the Freedom Convoy 2022 campaign is the Freedom 2022 Human Rights and Freedom corporation, and the recipient of funds raised through GiveSendGo for the Adopt-a-Trucker campaign is Chris Garrah.

G. CONCLUSION

57. I understand this application is made under subsection 490.8(3) for an order prohibiting any person from disposing of, or otherwise dealing with any interest in the offence-related property described above.

58. I believe that I have demonstrated reasonable grounds to believe that the actions of some protesters to date have resulted in acts of mischief given the obstruction, interruption, and interference with the public's lawful use, enjoyment or operation of property, including public roadways, businesses, and public spaces.

59. I believe that I have also demonstrated that the Freedom Convoy 2022 organizers have vowed to remain in Ottawa until their demands are met, and therefore that it is reasonable to believe that they intend to continue to commit acts of mischief as the very nature of the protest obstructs, interrupts and interferes with the public's lawful use, enjoyment or operation of property, including public roadways, businesses, and public spaces.

60. Finally, I believe that I have demonstrated that the funds donated to the Freedom Convoy 2022 and Adopt-a-Trucker campaigns on GiveSendGo are critical to its sustained occupancy in Ottawa, and therefore that those funds constitute property intended to be used for committing indictable offences.

H. *EX PARTE* APPLICATION

61. I understand that this application is being made *ex parte* under subsection 490.8(2) of the *Criminal Code*. I have made full, frank and fair disclosure of all the material facts that I have knowledge of. I believe that the information detailed within this affidavit is true to the best of my knowledge. I have focused on information and evidence relevant to the grounds for this application, and not to other issues relating to the protest, in an attempt to present an affidavit that is clear, concise and focused on the authorization sought.

62. For the reasons set out in the paragraphs below, I believe that if notice of this application were provided to the respondents, that they would attempt to dispose of the property sought to be restrained.

63. GiveSendGo does not appear to be an impartial provider of fundraising services to the Freedom Convoy 2022 protest. As the tweets and press release excerpted below demonstrate, GiveSendGo has been expressly critical of GoFundMe's decision to terminate its relationship with the campaign and actively sought out the Freedom Convoy 2022 campaign to join its online fundraising platform:

a. On January 26th, 2022, @GiveSendGo tweeted and posted on the GiveSendGo Facebook page:[33]

   Check out our recent press release regarding our statement on GoFundMe withholding funds from the Canadian Truckers Convoy and the campaign's donors. Let's get the word out!!

b. In the January 26th, 2022 GiveSendGo press release addressing GoFundMe's decision to freeze funds, GiveSendGo actively sought out the Freedom Convoy 2022 fundraising campaign:[34]

   "We would love to see this campaign come to GiveSendGo where they will not be censored or have their voices silenced," said co-founder of GiveSendGo, Heather Wilson. "Thousands of people are coming out of the woodwork in support of this group and they're not happy about what GoFundMe has done. We have an awesome community of givers, so I have no doubt this group would receive an overwhelming amount of financial, emotional, and spiritual support on GiveSendGo."

c. On January 26th, 2022, @GiveSendGo tweeted:[35]

[33] https://www.facebook.com/Givesendgo/
[34] https://givesendgo.com/site/pressrelease [givesendgo.com]
[35] GiveSendGo (@GiveSendGo) / Twitter

The biggest issue was using gfm[36] in the first place!! @GiveSendGo the freedom fundraising platform.

d. On February 5th, 2022, @GiveSendGo tweeted:[37]

We have been under heavy DDOS and bot attacks. In spite of all this we still have managed to raise funds 5X faster than the gfm did. GFM raised 10mil in 3 weeks. GSG campaign has already raised over 1.1mil in just over 12 hours.

e. On February 6th, 2022, @GiveSendGo tweeted:[38]

Even with all the glitches/attacks, $4million+ has been donated in 48 hrs on GiveSendGo. This is nothing short of a MIRACLE even with all the issues God is growing this company. We're so excited to be on this adventure. (FYI it took over 2 weeks for the gfm to reach the $10M).

f. On February 7th, 2022, GiveSendGo released a statement assuring the Freedom Convoy 2022 campaign supporters that it does not condone violence and that the campaign organizers had assured GiveSendGo that "*all funds raised will go to provide humanitarian aid and legal support for the peaceful truckers and their families as they stand for freedom.*" Further, GiveSendGo again communicated its support for the campaign and directed readers to the related campaigns:[39]

GiveSendGo will always stand for freedom for those on either side of our current ideological divide. Our hope is first in God and also in the notion that we can be united as free people across the globe, standing in the freedom that was bought for us first at the cross, but also maintained by the blood of courageous men and women who have sacrificed their lives so that we might live in that freedom.

—

GiveSendGo's "Adopt a Trucker" campaign has now raised over $400,000 CAD. The "Freedom Convoy 2022" GiveSendGo campaign has raised over $4.5 million. Additional campaigns created in support of Canadian truckers can be found at www.GiveSendGo.com.

64. As described above, upon termination of the GoFundMe campaign, Freedom Convoy 2022 organizers were quick to direct supporters to new campaigns on the GiveSendGo site, and in doing so have been able to quickly raise millions of dollars. In addition, Freedom Convoy 2022 organizers have repeatedly stated that they plan to occupy Ottawa until their demands are met, as long as that takes. At the organizers' press conference on January 30th, 2022, referenced above, they confirmed that the millions of dollars in donations raised gave them 'endless resources' to continue the protest for months or longer. It is clear that the funds being raised through the GiveSendGo campaigns are critical to sustaining the protest.

[36] I believe that "gfm" represents GoFundMe.
[37] GiveSendGo (@GiveSendGo) / Twitter
[38] GiveSendGo (@GiveSendGo) / Twitter
[39] https://givesendgo.com/site/pressrelease [givesendgo.com]

65. Further, it is clear from the organizers' February 9th, 2022 interview published on Facebook, referenced above, that they are already transitioning from traditional currency fundraising to Bitcoin fundraising because Bitcoin is "unconfiscatable."

66. Given the success Freedom Convoy 2022 organizers have had in engaging donors and given that they have raised over $8.7 million USD since February 4th, 2022 through the two GiveSendGo campaign pages, I believe that should anyone associated with the Freedom Convoy 2022 or Adopt-a-Trucker fundraising campaigns be notified of this application, there is a real risk donors and funds will be redirected away from the GiveSendGo campaign platforms to ensure that the funds are still accessible to be used in support of the continued occupation of protesting truckers in Ottawa.

67. Similarly, I believe that given GiveSendGo's support of the campaigns and its disdain for the position taken by GoFundMe, there is a real risk that should GiveSendGo be given notice of this application, it would work with Freedom Convoy 2022 organizers to ensure that funds remain accessible to be used in support of the continued occupation of protesting truckers in Ottawa.

I. NOTICE OF THE RESTRAINT ORDER

68. I believe that the following persons should receive notice of the restraint order, once issued:

a. **GiveSendGo LLC** [registered agent for the GiveSendGo website and services]: Legal Department, 8 The Green, STE A, Dover, Delaware, U.S.A. 19901; support@givesendgo.com.

b. **Freedom 2022 Human Rights and Freedoms** [Campaign Owner and Recipient of funds raised through GiveSendGo in relation to the Freedom Convoy 2022 campaign]: Chris Garrah, Director, 1493 County Road 2, Mallorytown ON, KOE 1R0.

c. **Chris Garrah** [Campaign Owner and Recipient of funds raised through GiveSendGo in relation to the Adopt-a-Trucker campaign]: 1493 County Road 2, Mallorytown ON, KOE 1R0.

69. GiveSendGo, in its Terms and Conditions states that it will not accept service by e-mail or fax of any 'subpoena'. The Terms and Conditions do however, provide an email contact for the

Legal Department: support@givesendgo.com. I propose that GiveSendGo be served by registered mail or courier to the address noted above, as well as by email to support@givesendgo.com.[40]

70. I propose to serve Chris Garrah personally at the address noted above. However, as the protest situation is evolving by the moment, public safety concerns may determine whether he is served at that location. If there are public safety concerns in relation to attending his residence, it may be that a decision will be made to serve him away from the residence.

AFFIRMED BEFORE ME in the City of Ottawa, in the Province of Ontario this 10th day of February 2022.

Dianne Brion,
a Commissioner, etc., City of
Ottawa, for Ottawa Police Service.
Expires April 27, 2023.

A Commissioner for the taking of Oaths
in and for the Province of Ontario

Christopher Rhone

[40] It is recognized that service of the proposed order on GiveSendGo LLC may not be legally effective given GiveSendGo LLC does not appear to have a Canadian presence. I am advised by Crown counsel that steps will be taken to engage federal central authorities to effect enforcement.